HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 23875 of 1997

Dated 16th March, 2007

Between

Challa China Babu

…Petitioner

and

The Mandal Revenue Officer, Siddhout Mandal,
Cuddapah District and ors

…Respondents.

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 23875 of 1997

ORDER:

In this Writ Petition, the petitioner seeks Writ of Mandamus to declare the action of the respondents in instructing him not to cultivate the land ad-measuring Ac.4.93 cents covered by Sy.No. 814/1 of Peddapally village in Siddhout Mandal, Cuddapah District, as illegal and arbitrary.

In the affidavit filed in support of the Writ Petition, it is stated that the petitioner is a landless poor person and on his application, he was granted D-form patta assigning an extent of Ac.4.93 cents of land in Sy.No. 814/1 of Peddapally village. It is the grievance of the petitioner that though he has developed the said land and cultivating the same, but, however, without passing any order, the first respondent instructed

him not to enter into the said land. It is also averred in the affidavit that no cancellation orders have been passed and in spite of the same, instructions were issued not to cultivate the said land.

At the stage of admission, this Court has granted interim order, directing the respondents not to dispossess the petitioner from the land in question and the said interim order continued all along.

Though Writ Petition is of the year 1997, no counter affidavit is filed on behalf of the respondents.

As much as no order of cancellation of patta has been passed, there appears no reason for not allowing the petitioner to cultivate the said land. In the above circumstances and in absence of filing counter affidavit by the respondents, the Writ Petition is disposed of directing the respondents not to interfere with the possession of the petitioner's land ad-measuring Ac.4.93 cents in Sy.No. 814/1 of Peddapally village. However, it is made clear that if any orders are passed for cancellation of D-form patta issued to the petitioner, it is open for the respondents to take steps in accordance with that order.

Subject to the above direction, the Writ Petition is disposed of. No order as to costs.

JUSTICE R. SUBHASH REDDY

DATE: 16-3-2007.
Msnr.